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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,290	06/21/2000	Tamotsu Miyagawa	040894-5551	7547

9629 7590 04/23/2004
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EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT PAPER NUMBER

2615

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/598,290

Applicant(s)

MIYAGAWA, TAMOTSU

Examiner

Christopher O. Onuaku

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,4&8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiba (US 5,867,463).

Regarding claim 1, Chiba discloses a recording and reproducing apparatus, including a magneto-optical disc recording and reproducing apparatus, comprising:

a) a memory for storing a plurality of setting parameters respectively associated with predetermined kinds of data contents (see control parameters DWT, DRP, DEP loaded in registers 108, 111, and 114 of the laser drive circuit 107 of Fig.2; threshold values TU and TD loaded as control parameters to the registers 125 of the tracking fault detector 122 of Fig.3; and the processor 132 includes a register 138 which holds control data DGC used to control the gain of amplifier 135 as a control parameter; col.5, lines 53-65; col.6, lines 58—67 and col.7, lines 40-47);

b) a discriminator for discriminating the data contents stored in the recording medium (see identifier ID) which contains a track number, sector number and cyclic redundancy check (CRC) code used for the detection of reproduction error; col.1, lines 28-39; Fig.11,12&13, col.3, line 45 to col.4, line 22);

- c) a parameter selector for selecting at least one of the setting parameters stored in the memory and associated with the discriminated data contents (see Fig.1&6,. microcomputer 105; col.8, line 35 to col.10, line 14);
- d) a content selector for selecting at least one of the data contents stored in the recording medium based on the selected setting parameter contents (see Fig.1&6,. microcomputer 105; col.8, line 35 to col.10, line 14);

Regarding claim 2, Chiba discloses wherein the discriminator discriminates the data contents in the recording medium based on discrimination information recorded on the recording medium (see Fig.1&6,. microcomputer 105; col.8, line 35 to col.10, line 14)).

Regarding claim 4, Chiba discloses wherein the discriminator discriminates the data contents stored in the recording medium by analyzing setting data recorded in the recording medium (see col.8, lines 40-48)

Regarding claim 8, Chiba discloses wherein the parameter selector automatically selects a predetermined setting parameter when no parameter setting associated with the discriminated data contents is stored in the memory (see col.10, lines 14-25).

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim 1 above, including the claimed reproducing function.

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claim 8 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,5,6&7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiba in view of Kikuchi et al (US 6,577,812).

Regarding claim 3, Chiba fails to explicitly disclose wherein the discriminator information is the BCA data. Kikuchi et al teaches a digital information recording/playback system using a digital information recording medium having a limited storage amount, comprising a 2048 byte physical format information, wherein the sixth byte position "16" describes a burst cutting area (BCA) descriptor, the BCA is applied as an option to a DVD-ROM disc alone, and is an area for storing recorded information upon completion of the disc manufacturing process. (see Fig.6, col.12, lines 57-61). It would have been obvious to modify Chiba by realizing Chiba with BCA data, as taught by Kikuchi, since the BCA is applied as an option to a DVD-ROM disc alone, and is an area for storing recorded information upon completion of the disc manufacturing process.

Art Unit: 2615

Regarding claim 5, Kikuchi teaches wherein the setting data is data indicating a total reproduction time of stored data (see col.25, lines 35-43).

Regarding claim 6, Kikuchi teaches wherein the setting data is data indicating a total number of chapter of stored data (see col.63, lines 20-29).

Regarding claim 7, Kikuchi teaches wherein the data contents stored in the recording medium include plural kinds of dubbed audio data and subtitles (sub-picture) of the reproduced content (see Fig.9; col.17, line 60 to col.18, line 10), and wherein the content selector includes an audio decoder for decoding one of the dubbed audio data and a sub-picture decoder for decoding one of the subtitles data in accordance with the selected setting parameter, respectively (see Fig.26; col.29, lines 44-64).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takeya et al (US 6,307,820) teach an apparatus for reproducing information of an information record medium such as optical disk, on which the information is recorded magnetically or by means of a phase pit and the like, and in which an information record layer is formed in multiple layers or a one-layer.

Collart (US 6,665,489) teaches a distribution and tracking system that utilizes a set of bits on an electronic medium to track and control use of content electronically utilizing a network server.

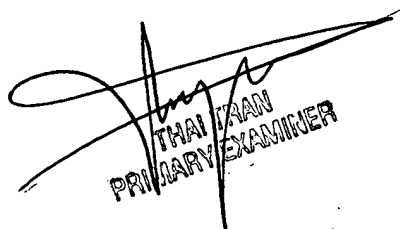
Takemura et al (US 5,809,007) teach an optical disk comprising an ID (identification) signal for identifying the type of disk or other parameter, and to a reproduction apparatus for the optical disk.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher O. Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


COO
4/16/04


THAI TRAN
PRIMARY EXAMINER